

JAN 30 2008

United States District CourtU.S. DISTRICT COURT
WESTERN DISTRICT OF NC

Western

DISTRICT OF

North Carolina

UNITED STATES OF AMERICA

V.

Iguer CHICA

CRIMINAL COMPLAINT

CASE NUMBER: 3:08MJ14

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about January 28, 2008, in Gaston county, in the Western District of North Carolina defendant(s) did, (Track Statutory Language of Offense) knowing or in reckless disregard of the fact that an alien has come to, entered, or remains in the United States in violation of law, transports, or moves or attempts to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law

in violation of Title 8 United States Code, Section(s) 1324 (a) (1) (A) (ii)

I further state that I am a(n) Special Agent and that this complaint is based on the following facts:
Official Title

SEE ATTACHMENT A - Affidavit in Support of a Criminal Complaint

Continued on the attached sheet and made a part hereof:

☒ Yes ☐ No

Signature of Complainant

Jason S. Duey,
Immigration and Customs Enforcement

Sworn to before me and subscribed in my presence,

January 30, 2008

at

Charlotte, North Carolina

Date

City and State

Carl Horn, III, United States Magistrate Judge
Name & Title of Judicial Officer

Signature of Judicial Officer

ATTACHMENT A

Affidavit in Support of a Criminal Complaint

I, Jason Scott Duey, being first duly sworn under oath depose and state:

1. That I am a Special Agent with Immigration and Customs Enforcement ('ICE'), and I have been so employed for approximately eleven years. During this time I have received training and possess relevant experience in investigating crimes committed against the United States. Furthermore, I am currently assigned to the Human Smuggling Group and my duties include the interdiction, apprehension, and investigation of persons and organizations involved in the smuggling and/or trafficking of foreign-born persons into and throughout the United States.

2. The information contained in this Affidavit is based on my personal observations and experience, in addition to information obtained from other law enforcement agents, witnesses, and reports. Since this Affidavit is being submitted for the limited purpose of establishing probable cause in support of a criminal complaint, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe sufficiently support a probable cause finding that Iquer CHICA ("CHICA") and Gabriel Enrique MACIAS ("MACIAS") committed a violation of 8 U.S.C. § 1324 (a) (1) (A) (ii), unlawful transportation of an alien within the United States.

3. On January 28, 2008, officers from the Gastonia Police Department encountered a blue Ford F-350 extended van that bore Texas license plate 68Z WX3 and was travelling southbound on Interstate 85. Officers, noticing the van had excessively dark window tinting, activated their emergency lights and conducted a traffic stop at approximately 1710 hours near

Highway 74. Officers then notified Gaston Police Department dispatch about the traffic stop after they pulled over the blue van, and computerized indices checks were conducted. These checks revealed that the vehicle had been previously used for alien smuggling and that the registered owner, Rene GARCAS, is a suspected alien smuggler. At that time, officers contacted the ICE duty agent in Charlotte, North Carolina and reported that they encountered persons suspected of transporting smuggled aliens.

4. Officer M. R. Harris then approached the vehicle noticing that it was too dark to see inside. He continued his approach and saw CHICA sitting in the driver's seat, MACIAS sitting in the passenger seat, and four other persons sitting on bench seats in the rear of the van. Officer Harris also noticed that dark black plastic bags had been taped over each of the rear windows in the area where the four persons sat. Officer Harris then introduced himself to CHICA and asked for his license and registration. CHICA told Officer Harris that he did not have his driver's license with him but provided a Texas identification card. During that time, ICE agents conducted preliminary inquiries revealing that the four passengers in the rear of the vehicle were illegal aliens who were recently smuggled into the United States. Consequently, it appeared that CHICA and MACIAS, the persons in the front seat, were in the process of transporting those illegal aliens at the time of the traffic stop. Officers then arrested all the persons in the vehicle and transported them to the ICE Detention Facility in Charlotte, North Carolina for processing.

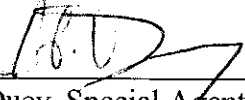
5. At the ICE Detention Facility, ICE agents interviewed the four van passengers and they each admitted that CHICA and MACIAS had been paid to drive them to their final destinations in the United States and that they knew they were illegal aliens.

6. During separate interviews, CHICA and MACIAS admitted to ICE agents that from Houston, Texas earlier, they both picked up a group of sixteen persons that they knew to be illegal aliens in order to transport them to their final destinations throughout the United States. CHICA and MACIAS further admitted that they had already delivered twelve illegal aliens to different locations in the United States, and that they were in the process of delivering the last four when Gastonia Police officers stopped their vehicle. CHICA and MACIAS also admitted that the windows of the van were intentionally covered in black plastic in order to shield the illegal aliens from detection by law enforcement authorities. CHICA and MACIAS told ICE agents that they worked for an illicit alien distribution organization based in Houston, Texas that specializes in transporting illegal aliens, and that they are paid to drive those aliens to their final destinations in the United States. CHICA and MACIAS also stated that after the illegal aliens paid their transportation fee they would immediately deposit that money into a bank account for the alien distribution organization.

7. Based on the foregoing, I respectfully submit that sufficient facts exist to support a finding that, on January 28, 2008, CHICA and MACIAS knowingly or in reckless disregard of the fact that an alien has come to, entered, or remains in the United States in violation of law, did and attempted to transport and move such alien within the United States by means of


transportation or otherwise, in furtherance of such violation of law, in violation of Title 8, United States Code, Section 1234 (a) (1) (A) (ii).

Further affiant sayeth not.



Jason S. Duey, Special Agent
Immigration and Customs Enforcement

Subscribed and sworn to before me
this the 30th day of January 2008.



Carl Horn, III
United States Magistrate Judge